

Coast Guard, DHS

§ 159.010-19

appropriate requirements, the Commandant or authorized representative may at his discretion sign the MOU. Where qualitative tests or determinations are required for approval or follow-up, provision must be made for conducting comparison tests with other recognized laboratories.

(d) Copies of MOUs signed by the Commandant in accordance with this part and of lists of independent laboratories which have been accepted as recognized laboratories but which have not yet been added to the lists included in this subchapter may be obtained at the address listed in § 159.001-5.

[CGD 93-055, 61 FR 13928, Mar. 28, 1996; 61 FR 15868, Apr. 9, 1996]

§ 159.010-11 Changes in the laboratory's qualifications.

(a) If any of the information submitted under § 159.010-5(a) changes, the laboratory shall notify the Commandant in writing of each change within 30 days after the change has occurred.

(b) If any change in the independent laboratory occurs which affects its performance under the MOU required under § 159.010-7, the laboratory shall notify the Commandant in writing within 30 days after the change occurs. The Commandant may terminate the MOU, or may require amendments or revisions.

[CGD 93-055, 61 FR 13929, Mar. 28, 1996]

§ 159.010-15 Contracting inspections and tests or transferrals to another laboratory or person.

(a) No independent laboratory may contract or transfer to another person or laboratory the performance or supervision of inspections or tests, or both, required under an applicable subpart for which it is accepted or listed unless—

(1) A request in writing regarding the contract or transfer is submitted to the Commandant before the contract is executed or the transfer is completed; and

(2) The Commandant notifies the laboratory in writing that the contract or the transfer is allowed.

(b) [Reserved]

§ 159.010-17 Termination of acceptance or recognition of an independent laboratory.

The acceptance or recognition of a laboratory terminates if the laboratory—

(a) Requests termination;

(b) Is no longer in business;

(c) Knowingly fails to perform or supervise an inspection or test, or both, as required in an applicable subpart;

(d) Knowingly attests to the lack of errors, omissions, or false statement of an approval test report that contains errors omissions, or false statements;

(e) Does not meet the requirements of § 159.010-3(a);

(f) Does not comply with § 159.010-11;

(g) Contracts or transfers the performance or supervision of required inspections or tests to another laboratory or person without the approval of the Commandant; or

(h) Fails to, or in the opinion of the Commandant is unable to, carry out its responsibilities under an MOU required by § 159.010-7.

[CGD 93-055, 61 FR 13929, Mar. 28, 1996]

§ 159.010-19 Termination of acceptance or recognition: Procedure.

(a) If the Coast Guard receives evidence of grounds for termination of acceptance or recognition of an independent laboratory under § 159.010-17, the Commandant will notify the laboratory that termination is under consideration. The laboratory may submit written comments to the Commandant within 21 days of receipt of the notification. The Commandant will take all timely written comments into account before taking final action in the matter, and in no case will the Commandant take final action until at least 30 days after the laboratory has received the notification. Any final action taken by the Commandant is final agency action on the matter.

(b) If a deficiency could materially affect the validity of an approval issued under an applicable subpart, the Commandant may temporarily suspend the acceptance of the laboratory and may direct the holder of the certificate of approval to cease claiming that the